



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Anchorage, Alaska 99506-6898

PUBLIC NOTICE DATE: 6 June 2006
EXPIRATION DATE: 21 June 2006
REFERENCE NUMBER: POA-1997-851-1
WATERWAY NUMBER: Seldovia Slough

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Jerry Stranik, 10,000 Hillside Drive, Anchorage, Alaska 99524.
Phone: (907) 529-4558.

LOCATION: The proposed project is located Lot 14, Block 5, within of section 32, T. 8 S., R. 14 W., Seward Meridian; Seldovia, Alaska (59.4358° North Latitude and -151.7106° West Longitude).

WORK: Replace a historical dock and house with a new creosote pylon dock and house measuring 49' x 49'. A total of 35 pylons will be used to support the dock.

PURPOSE: Replace a personal personal residence. A creosote pylon dock with house has been on this site for over 50 years until it was recently demolished.

ADDITIONAL INFORMATION: Agent: Tim Dillon, P.O. Box 126, Seldovia, Alaska 99663. Phone: (907) 234-7858.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Management and Budget, Division of Governmental Coordination has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart-K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed

activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Daniel L. Smith at (907) 753-2724 or toll free in Alaska at (800) 478-2712, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

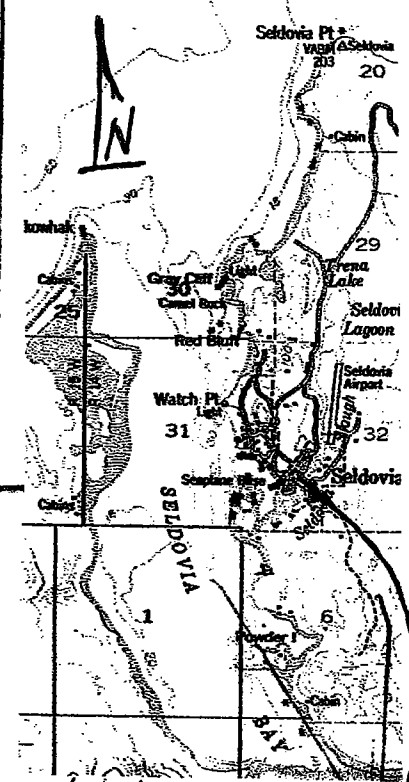
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

A plan and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

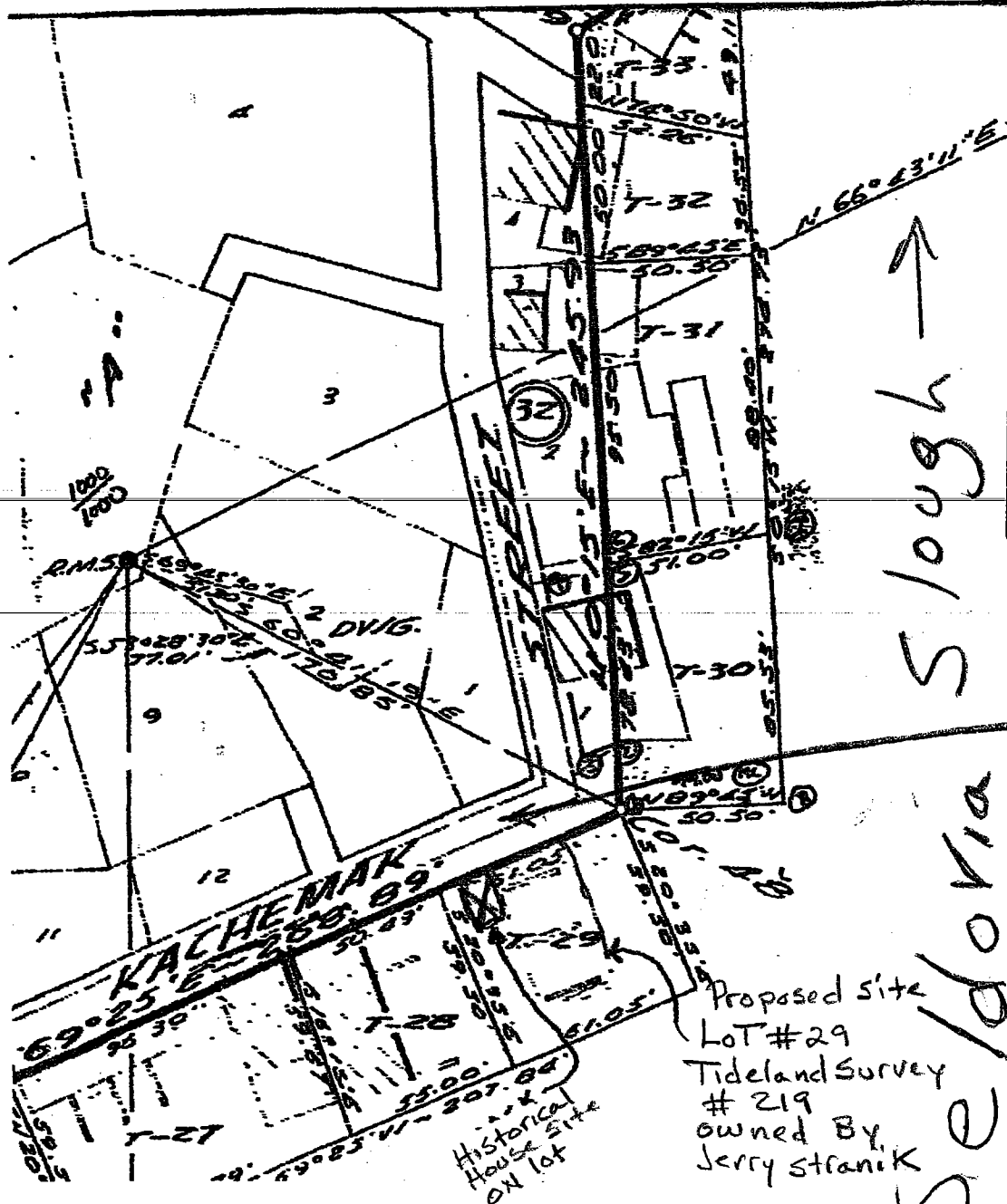
Attachments

Vicinity & Site map
 Proposed Dock For House Site
 IN: Seldovia, AK
 ON: Seldovia Slough
 Kenai Borough, State of AK
 Applicant: Jerry Stranik
 Sheet # 2 of 5 1/28/06



* Vicinity Map Taken From Kachemak Bay MAP

* site located on Seldovia Slough

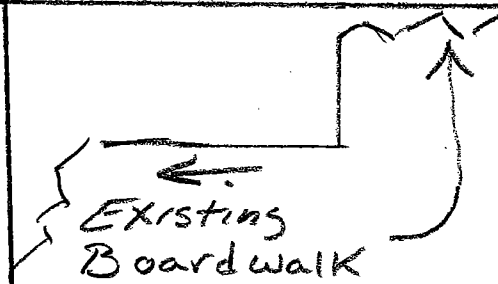


Note:

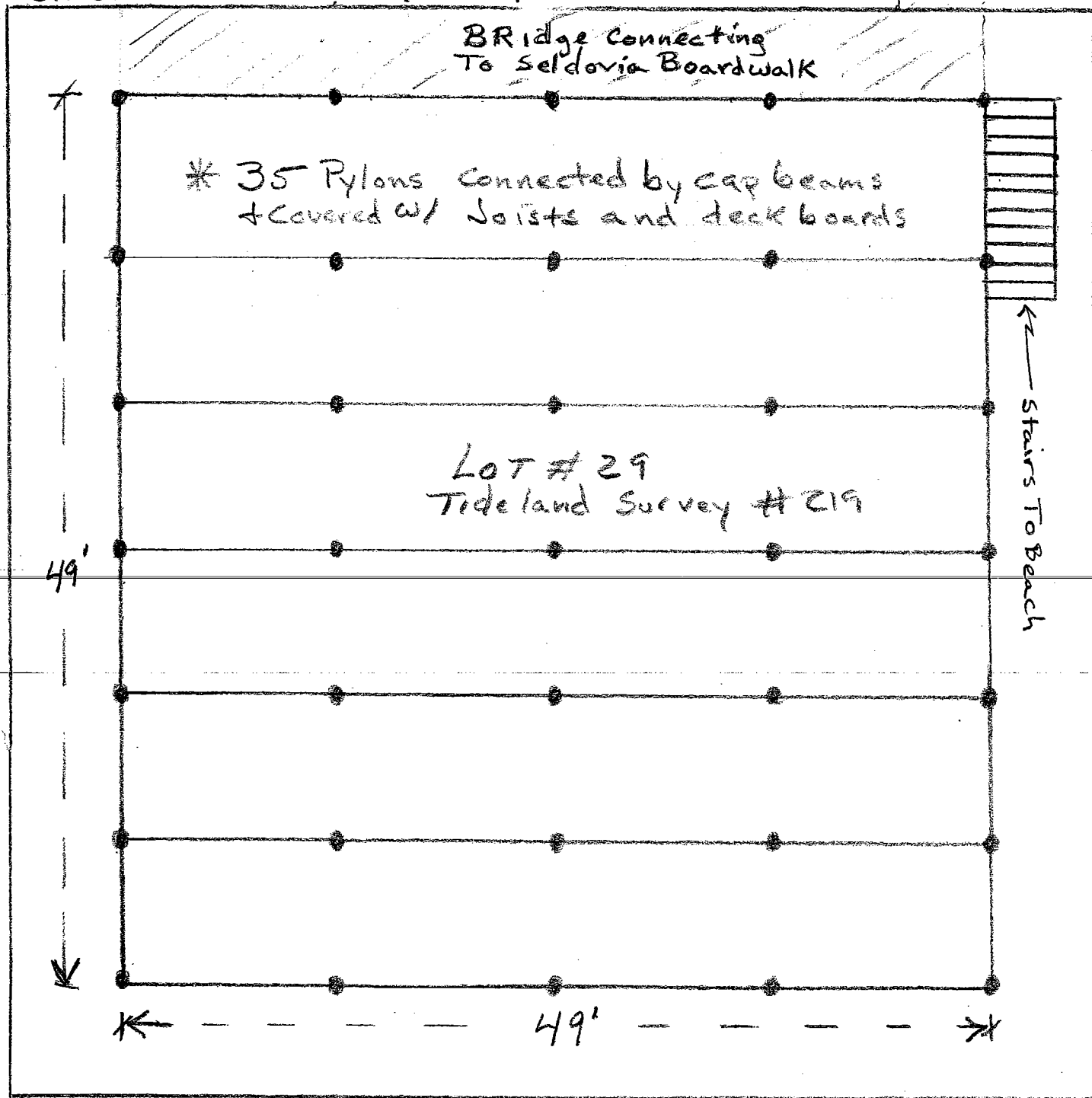
Kachemak ST. is Historical wooden Board-Walk on Creosote Pylons.

Sheet 1 of 6
 PPA-1997-85/
 1/28/06

Proposed Dock For House Site
IN: Seldovia, AK
ON: Seldovia Slough
Kenai Borough, State of AK
Applicant: Jerry Stranik
Sheet # 3 of 5 1/28/06



Plan
View
1/4" = 2'

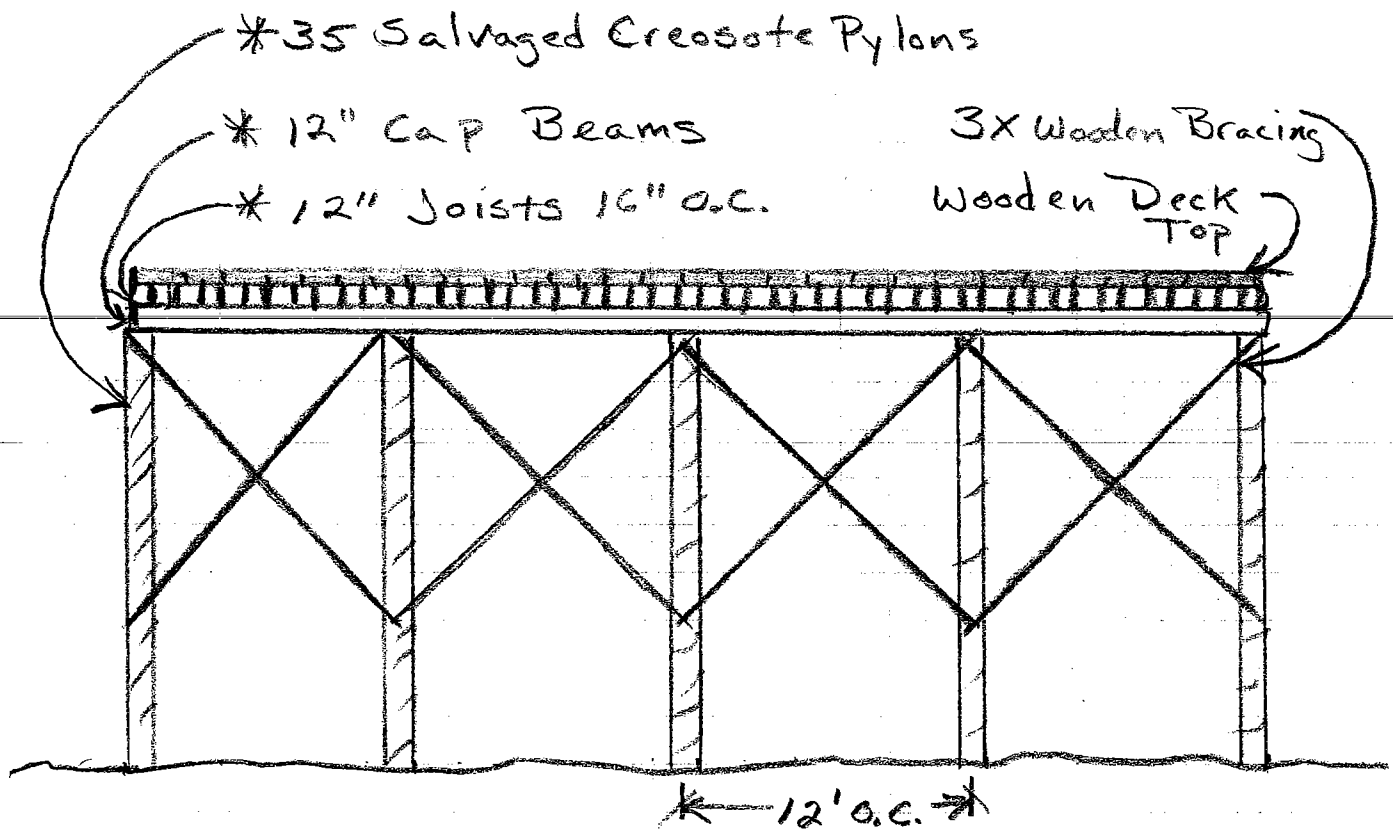


Property line

Sheet 2 of 6
20A-1997-851
1/28/06

Proposed Dock For House Site
IN: Seldovia, AK
ON: Seldovia Slough
Kenai Borough, State of AK
Applicant: Jerry Stranik
Sheet # 4 of 5 1/28/06

*Elevation View of Proposed
Dock for House Site
1/4" = 2'



Sheet 3 of 6
20A-1497-851
1/28/06

Neighborhood Plan View
Proposed Dock For House Site
IN: Seldovia, AK
ON: Seldovia Slough
Kenai Borough, State of AK
Applicant: Jerry Stranik
Sheet # 5 of 5 1/28/06

Neighborhood
Plan View
 $\frac{1}{2}'' = 10'$



Park

Existing
Home on
Pylons

Boardwalk

Bridge To
Boardwalk

MAX Spring
High tide line
Boardwalk

Historical
House
Site

Property Line
+
Set Back

Proposed
49X49

LOT # 29
Tideland
Survey # 219

Vacant
MEAN High Tide

100' TO
Navigable
Channel

Seldovia
Slough

To: The Army Corp Of Engineers

From: Jerry Stranik owner & Tim Dillon agent

Re: Application to build a dock/house site on Seldovia Slough Lot 29 Tideland Survey 219

LOCATION

We are requesting permitting approval to construct/replace a creosote pylon dock (49' x 49') attached to the historical Seldovia boardwalk. The tideland lot is privately owned and legal description is as follows: Lot 14 Block 5, Seldovia Townsite Survey of 1771 and Tideland Survey # 219 Lot 29.

SITE HISTORY

This lot has had a dock and house on it for more than fifty years, and will be replaced due to the dilapidated condition of the original structure. Our project will attach physically to the Seldovia Boardwalk as has the original house for more than half a century.

The historical Seldovia Boardwalk is a dock structure built upon creosote pylons. This dock/boardwalk lines and oversees a portion of the Seldovia Slough. The Slough has traditionally and historically been the home to numerous docks and homes/businesses over the last 100 years. All of the many existing structures both new and old are built upon creosote pylons. We feel that our project not only fits historic precedent but will enhance the cultural and economic life of the City of Seldovia with absolute minimal impact to the natural environment.

THE PROJECT

The project agent, Tim Dillon, has constructed three creosote pylon docks in the past three years within the Kachemak Bay Critical Habitat Area; two in the Seldovia Slough, and one in Kasitsna Bay. All permitting for these prior docks was approved through a similar process as this.

The creosote pylons to be used on this project have been salvaged from the old Seldovia cannery and have been in the waters of Seldovia Bay for sixty years. In affect such an extended period of use as the cannery dock supports has already leached a preponderance of volatile elements from the pylons. We feel reuse of these pylons is environmentally safe and sound. In addition our agent contacted ADF&G in 2002 and specifically inquired about reuse of these pylons and was told at that time that such pylons would be approved for use in the Slough. Thus we purchased the rights to the pylons some time ago to replace the original structure on Tideland Lot 29.

We intend to build a 49' square dock within the restrictions of local City and State codes. There will be 35 pylons supporting the dock structure (please refer to the drawing set).

Sheet 50 of 6
204-1997-851
1/28/05

PYLON PLACEMENT

The tideland lot is privately owned and has no uplands available for building upon. Pylon placement will proceed as has historically been the case on other recent dock construction; an excavator will access the property at low tide via a City street access. During low tide cycles only, the excavator will dig holes for the 35 pylons approximately 30" in diameter and 6' deep, and then backfill with same material. We estimate that the excavator will be on the site for six hours each day during low tide for three days. The excavator will be moved to the uplands at street level at all other stages of the tide. Upon completion of pylons installation with the excavator, subsequent installation of joists and decking will be accessed from the uplands/boardwalk area.

HOUSE SPECIFICS

Although the design of the new house has yet to be completed, we do intend to replace the site's original house. This new house will sit upon the new dock and access City sewer and water as provided by the City of Seldovia to all structures upon Seldovia Slough.

We intend to use an oil fired furnace/boiler for a heat source for this house as all other options in remote Seldovia are exorbitant and make the entire project cost prohibitive. We plan to work closely with all agencies in an attempt to make stove oil storage fail-safe on the property. Our plan is to use a double wall tank (Anchorage Tank sales) with an alarm system notifying the occupants of the home of any movement of oil from the primary tank to the secondary containment tank. In addition we will provide a roof covered secondary containment structure with a basin lined with an impermeable membrane non-degradable by petroleum products.

IN CLOSING

My wife and I and our agent, Tim Dillon, have owned property and lived in Seldovia collectively for many decades. We have seen areas around Kachemak Bay such as Tutka Bay and Halibut Cove, develop their waterfronts in manners consistent with our proposed approach to construction. Seldovia has long played the role of the backward child and has received little economic relief from the declining fishing industry. At this juncture in time Seldovia finally is able to see light upon the economic horizon. The City proper has waited many long years for revitalization. It appears that the property surrounding the Seldovia Slough has once again gained appeal and is set to help in rebuilding Seldovia. Historical precedent and minimal environmental impact lend strong support to the traditional construction methods we have set forth in this application.

Sheet 4 of 4
EPA-199451
1/28/06

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1997-851 Seldovia Slough, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment #1